

GOVERNMENT (FEDERAL) COMMENTS (GF)

GF1

GF1 Continued

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607-4052



June 7, 2012

Smita Deshpande, Branch Chief
Caltrans District 12
"Attn: 405 DEIR-DEIS Comment Period
2201 Dupont Drive, Suite 200
Irvine, California 92612

Dear Ms. Deshpande:

This is in response to your request for comments on the Announcement of Public Hearing and Availability of the Draft Environmental Impact Report/Statement (DEIR/S) for the I-405 Improvement Project in Orange County.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Orange (Community Number 060212), Maps revised December 3, 2009. Please note that the County of Orange, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map. } 1
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. The term **development** means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. } 2

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Smita Deshpande, Branch Chief
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- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. } 3
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtml>. } 4

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Orange County floodplain manager can be reached by calling Penny Lew, Senior Civil Engineer, at (714) 834-2606. } 5

If you have any questions or concerns, please do not hesitate to call Robert Durrin of the Mitigation staff at (510) 627-7057.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregor Blackburn".
Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Penny Lew, Senior Civil Engineer, Orange County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources,
Southern Region Office
Robert Durrin, NFIP Specialist, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

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GF2

GF2 Continued



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

September 10, 2012

REPLY TO
ATTENTION OF:

Regulatory Division

Smita Deshpande, Branch Chief
California Department of Transportation, District 12
3337 Michelson Drive, Suite 100
Irvine, California 92612-1692

Dear Ms. Deshpande:

This letter is in response to your request, dated May 18, 2012, for our comments on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Interstate 405 (I-405) Improvement project ("Project"), located along the segment of the I-405 between State Route 73 (SR-73) and Interstate 605 (I-605), in Orange County, California.

On November 9, 2009, the Corps accepted Caltrans' invitation to become a cooperating agency in accordance with 40 C.F.R. §1501.6 and section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users ("SAFETEA-LU"). As a cooperating agency under the National Environmental Policy Act (NEPA) for this project, we are reviewing and commenting pursuant to the NEPA regulations for 40 C.F.R. parts 1500-1508, our NEPA implementing regulations for the Regulatory Program at 33 C.F.R. 325, Appendix B, and the Clean Water Act (CWA) section 404(b)(1) Guidelines ("Guidelines") at 40 C.F.R. part 230. We note that the Corps responsibilities regarding your proposed project, in addition to having CWA section 404 permit jurisdictions, may include a determination under 33 U.S.C. section 408. The following comments are submitted for incorporation into this project to ensure that the resulting EIS may be adopted by our agency for the purposes of exercising our regulatory authority under section 404 of the CWA (33 U.S.C 1334). The Corps is in the process of reviewing the proposed project to verify whether further determination under 33 U.S.C. section 408 is applicable.

Proposed Project Purpose and Need

The purpose and need for a project should be broad enough to cover the full extent of a reasonable range of alternatives and specific enough that the range of alternatives can be appropriately focused. It is important that purpose and need focus on the underlying problems to address and the reasons a project is being considered, and should not be written in a way that

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includes the solution itself. The purpose and need should not prescribe a solution nor should it imply a pre-determined solution such as one expansion of a freeway or an entirely new freeway to meet a future congestion need.

The project purpose statement currently presents five general goals/objectives without quantitative elements, range, or location. Based on the Guidelines, the Corps will consider whether all five goals/objectives are appropriate for inclusion in the overall project purpose statement. If some objectives are overly limiting such that they inappropriately constrain the development of a reasonable range of alternatives or they are not supported by the data and findings presented in the project's need statement, then such objectives should be modified or eliminated.

We note the draft project purpose statement includes the following goals/objectives:

- Reduce congestion;
- Enhance operations;
- Increase mobility, improve trip reliability, maximize throughput, and optimize operations; and
- Minimize environmental impacts and ROW acquisition.

In furtherance of the project's purpose, the following fifth objective has also been established:
- To be consistent with regional plans and find a cost-effective early project solution for delivery.

According to information presented in the project's need statement, increased traffic congestion along the I-405 is attributed to insufficient capacity that becomes an issue during peak-period traffic; it is not the case during off-peak travel periods. Therefore, the purpose statement should specify the goal of reducing congestion during peak travel periods. In doing so, this may give rise to a range of different options or alternatives available to reduce traffic congestion during the problem or need period. Accordingly, we suggest that the first bullet be revised to state: "Reduce congestion during AM and PM peak-period traffic." In addition, it appears that the specific times for AM and PM peak-periods are not provided. The specific times referred to as the AM and PM peak-period should be included to the purpose statement. The third objective currently states: "Increase mobility, improve trip reliability, maximize throughput, and optimize operations". The objectives for bullets two and three both include improvement (enhance or optimize) to operations. We recommend removal of operations from the third bullet. In addition, we suggest rewording the third objective to "improve mobility, trip reliability, and throughput," as this would broaden the purpose statement and allow for consideration of a reasonable range of alternatives.

The fourth objective, involves minimizing right-of-way (ROW) acquisition. While we understand the potential fiscal and public interest impacts stemming from ROW acquisition and hence the desire for Caltrans to minimize ROW acquisitions, this objective is too narrow and may limit the analysis of a reasonable range of alternatives. The fifth objective should be modified to include "where feasible and in compliance with state and federal regulations" after "To be consistent with regional plans" to ensure that the intent to comply with local commitments is done

GF2 Continued

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in a way that does not conflict with state and federal environmental regulations. The fifth objective also currently includes "find a cost-effective early project solution for delivery"; this portion of the objective is too vague and does not provide a basis for determining whether an alternative satisfies the purpose of the project. The Corps recommends removal of "find a cost-effective early project solution for delivery" from this objective.

5 cont.

Project Alternatives

Compliance with the section 404(b)(1) Guidelines

This project may require a CWA section 404 Standard Individual Permit (SIP) for the discharge of dredged or fill material into waters of the United States. For our agency to adopt another agency's EIS under CEQ's NEPA implementing regulations, we must independently determine the sufficiency of the EIS in fulfilling our statutory and regulatory requirements, including, but not limited to, the alternative analysis under the Guidelines. Specifically, the NEPA alternatives analysis should be thorough enough to inform our public interest review determination and demonstrate Caltrans' compliance with the Guidelines. The Guidelines require a sequenced search for the least environmentally damaging practicable alternative (LEDPA), whereinby federal regulation, "practicable" is defined as available and capable of being done after taking into account cost, existing technology, and logistics in light of the overall project purpose(s) (40 C.F.R. section 230.3(q)).

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By letter, sent October 20, 2010, we submitted preliminary comments on the draft purpose and need statement and proposed range of alternatives (Caltrans, August 26, 2010). We commented that compliance with the Guidelines is required for all SIPs involving the discharge of dredged or fill material into waters of the U.S. and recommended the requirements of the Guidelines be incorporated into the EIS to reduce duplication and to avoid the potential need for supplemental documentation later in the NEPA and Corps permitting processes. We reiterate this recommendation and emphasize the importance of including the Corps no-Federal action alternative (i.e., no Corps permit issued, as well as off-site or geographic alternatives (e.g., changes in location and other site-specific variables), and functional alternatives or design options (e.g., project substitutes and design modifications) in the EIS. Although the proposed alternatives are currently limited to improvements to the I-405, under the Guidelines we must consider other practicable off-site alternatives that would fulfill the overall project purpose(s) and could be less environmentally damaging.

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Off-site/ geographic alternative:

The Draft EIS notes that the I-405 is considered a bypass route to Interstate 5 (I-5). This suggests that improvements implemented on I-5 may reduce capacity issues at I-405. In consideration of off-site/geographic alternatives, the Corps recommends Caltrans include an analysis where improvements are implemented on I-5 to address current and future capacity needs on the I-405.

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GF2 Continued

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We look forward to continued coordination with you on this project. If you have any questions pertaining to 33 U.S.C. section 408 please contact Ms. Arnecia Williams, Value Engineer, Engineering Division. For questions regarding section 404 of the CWA (33 U.S.C 1334), please contact Sophia Huynh at (213) 452-3357 or via e-mail at Sophia.C.Huynh@usace.army.mil.

Sincerely,



Mark D. Cohen
Deputy Chief, Regulatory Division
Los Angeles District

GF3



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 12/0364)

Filed Electronically

16 July 2012

Smita Deshpande, Branch Chief
Caltrans-District 12, "Attn: 405 DEIR-DEIS Comment Period"
2201 Dupont Drive, Suite 200
Irvine, CA, 92612

Subject: Draft Environmental Impact Statement for the San Diego Freeway (I-405)
Improvement Project, Orange and Los Angeles Counties, CA

Dear Ms. Deshpande:

The Department of the Interior has received and reviewed the subject document and has no comments to offer. } 1

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

GF4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 17, 2012

Smita Deshpande
Caltrans-District 12
Attn: 405
2201 Dupont Drive, Suite 200
Irvine, California 92612

Subject: Comments on the Draft Environmental Impact Statement for the San Diego Freeway (Interstate 405) Improvement Project between State Route 73 and Interstate 605 in Orange County, California (CEQ #20120152)

Dear Ms. Deshpande:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (Draft EIS) for the Interstate 405 (I-405) Improvement Project between State Route 73 (SR-73) and Interstate 605 (I-605) in Orange County, California. Our enclosed detailed comments were prepared pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act. The State of California has assumed responsibilities under NEPA for this project pursuant to the Memorandum of Understanding between the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program.

As described in the Draft EIS, this project aims to relieve congestion and improve operational efficiency on I-405 between SR 73 and I-605 through a combination of additional lanes and interchange enhancements. Three alternatives for I-405 improvement are presented. Alternatives 1 and 2 would add 1 and 2 general purpose lanes, respectively. Alternative 3 would add 1 general purpose lane and one express lane adjacent to the existing HOV lane to create a two-lane combined express HOV and toll facility. The Draft EIS does not identify a preferred alternative.

Based on our review, we have rated the Draft EIS as Environmental Concerns-Insufficient Information (EC-2); see enclosed Summary of EPA Rating Definitions) due to potential air quality impacts and a need to assess induced travel demand. EPA recommends an analysis of induced travel demand in order to disclose and quantify the reduced benefits to congestion relief that may occur in the future. An analysis of induced travel demand resulting from highway expansion will allow decision makers and the public to better understand when congestion will } 1

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GF4 Continued

return to existing levels and potentially worsen. EPA is particularly concerned with adverse air quality impacts that could result at a future point when congestion returns. In addition, EPA recommends implementing more stringent Transportation Demand Management (TDM) measures and integrating increased transit options throughout the project corridor to reduce air quality impacts. EPA supports the assessment of options such as increased high occupancy vehicle and tolling lanes, as in Alternative 3, to meet long-term transportation needs while reducing emissions from single occupancy vehicles. Proceeding without such measures, as is proposed in Alternatives 1 and 2, may result in worsened long-term air quality impacts due to emissions from a higher number of single occupancy vehicles.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one hard copy and one copy on disc to the address above (mail code: CED-2). If you have any questions, please contact me at 415-947-4161 or Clifton Meek, the lead reviewer for this project. Clifton can be reached at 415-972-3370 or meeck.clifton@epa.gov.

Sincerely,



Connell Dunning, Transportation Team Supervisor
Environmental Review Office

Enclosures: EPA's Detailed Comments
Summary of EPA Rating Definitions

Cc via email: John Chisholm, Caltrans
Ron Kosinski, Caltrans District 7
Rich Macias, SCAG

GF4 Continued

EPA'S DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE I-405 IMPROVEMENT PROJECT BETWEEN STATE ROUTE 73 AND INTERSTATE 605 IN ORANGE COUNTY, CALIFORNIA, JULY 17, 2012

Induced Travel Demand

Induced travel demand has been widely studied and has been acknowledged by the Transportation Research Board as far back as 1947¹. Today it is widely accepted by transportation practitioners, and yet there is no analysis of induced travel demand in the Draft EIS. Relieving a bottleneck on a congested roadway or system can induce demand for use of that facility, generating more Vehicle Miles Traveled (VMT), and ultimately causing congestion issues similar to pre-project levels. Absent an analysis of induced demand, there is no way to determine at what point in time the air quality benefits described will no longer be realized. With the exception of the HOV/toll lanes in Alternative 3, there are no Transportation Demand Management (TDM) measures proposed in the Draft EIS that are guaranteed to maintain mobility through the project corridor. Without these robust TDM measures, it is not possible to reduce congestion to accommodate existing and projected future demand without also inducing new demand²; the capacity created can be used equally by "planned" motorists and unplanned motorists.

Recommendations:

- Add a background discussion and analysis of induced travel demand in the Final EIS explaining induced travel demand as it relates to this project, and particularly addressing how induced demand could affect each alternative's ability to meet the project purpose and need. Identify the future time when congestion will return to current levels and/or worsen due to induced travel demand and identify further measures to reduce this future increase in congestion.
- Include a discussion of the connection between induced travel demand and TDM measures and identify specific TDM measures for each alternative that, if implemented, would reduce effects of induced travel demand.

Air Quality

The project is located in the South Coast Air Basin, which is classified as extreme nonattainment for ozone, serious nonattainment for particulate matter less than 10 microns in diameter (PM10), and nonattainment for particulate matter less than 2.5 microns in diameter (PM2.5). As such, it is vital that the project reduce emissions of these compounds to the greatest extent possible. Without an analysis of induced travel demand, as recommended above, EPA questions the conclusion that air quality will be improved by the proposed project. Further, the reliance on road capacity expansion to ease traffic congestion, without integration of transit or other

¹ Jorgensen, R.E. "Influence of Expressways in Diverting Traffic from Alternate Routes and in Generating New Traffic." Proc. Highway Research Board, Volume 27. 1947. pp. 322-330.

² Litman, T.L. "Generated Traffic and Induced Travel Implications for Transport Planning". ITE Journal, Vol. 71, No. 4, Institute of Transportation Engineers, April 2001, pp. 38-47. An updated 2011 version of this paper is available at <http://www.vtpi.org/gentraf.pdf>.

GF4 Continued

alternatives to single occupancy vehicle travel, may hinder attainment of air quality standards in the South Coast Air Basin. As illustrated in the Draft EIS (page 3.1.6-23), Lane Density, Level of Service, and Volume to Capacity Ratios show only minor improvements between the existing and projected future project conditions (with the exception of Alternative 3). As such, small changes in model assumptions could easily eliminate any projected air quality benefits. If congestion is not significantly improved by the project, there is likely to be an increase in emissions due to the greater number of vehicles on an expanded highway.

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EPA strongly advocates implementation of more stringent TDM measures throughout the project corridor. These measures can be implemented more quickly and at minimal cost to the environment. We believe these transportation tools should be aggressively implemented before development of costly highway construction projects, with those components which maximize congestion relief and provide the greatest reduction in VMT being given implementation priority. We also recommend Caltrans further discuss integration of mass transit components (e.g., light rail, Bus Rapid Transit) which can accommodate future transportation demand while reducing VMT and associated air emissions. As stated in the project's FAQ sheet (<http://www.octa.net/pdf/405/faq.pdf>), it has been estimated that the width of the I-405 would need to be doubled from the existing ten lanes to an unfeasible twenty lanes to serve the traffic demand in this corridor. As such, transportation demand in the project area will never be met by freeway expansion alone. If any true congestion relief is to be realized on the I-405, alternatives to freeway expansion (e.g. light rail, bus rapid transit) must become viable alternatives to the private automobile, and single occupancy vehicles must become a minority during peak periods.

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Recommendations for the Final EIS:

- Provide commitments for more aggressive implementation of TDMs in order to achieve permanent long-term reduction in traffic congestion and improvement in air quality. We urge expanded use of HOV and bus-only lanes, conversion of general purpose lanes to HOV and bus-only lanes during peak hours, pricing measures such as those proposed in Alternative 3, and additional transit options.

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Tolled Express Lanes (Alternative 3)

While EPA is supportive of TDM measures such as the toll lanes proposed in Alternative 3, the DEIS states that prior authority from FHWA is required to operate a toll facility on the Interstate Highway System (page I-19). It is therefore unclear whether Alternative 3 can be considered a feasible alternative. Also, it is unclear how effective the proposed tolled express lanes would be if they were to terminate into a heavily congested freeway corridor in Los Angeles County, or further south in Orange County. The Final EIS should describe in detail how traffic flow will be managed north and south of the I-405 improvement project corridor, and should provide a vision of how these tolled express lanes might be tied into a much broader network of tolled lanes throughout the SCAG planning area.

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Additionally, no concession is made in Alternative 3 for low-income individuals who might be unable to afford the full cost of the tolled express lanes. In similar toll lane projects currently being implemented on Interstate 10 and Interstate 110 in Los Angeles, a subsidy for low-income

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GF4 Continued

drivers is being provided in the form of a \$25 credit at the time of account initiation. This credit can then be applied to either the transponder deposit or pre-paid toll deposit, with the monthly \$3 account maintenance fee being waived (http://www.metro.net/projects_studies/expresslanes/images/ExpressLanes_Factsheet_Toll_Credit_Program.pdf). In order to develop a more equitable transportation strategy to accompany a potential toll road in the future, a program offering a subsidy for low-income drivers should be instituted on the I-405.

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Recommendations for the Final EIS:

- Provide assurance that FHWA has agreed to grant the authority to operate a toll facility on I-405.
- Provide additional details of studies being conducted or changes that are planned for the HOV lanes north and south of the project corridor in order to maintain efficient speeds for those who opt to pay the toll or commit to HOV 3+ status. Provide details of any coordination with the Los Angeles County Metropolitan Transportation Authority (LACMTA) and Caltrans District 7 regarding this issue.
- Commit to implementing a program that would provide subsidies to low-income motorists who use the tolled express lanes. If such a program is determined to be unsuitable for the I-405 improvement project, provide a discussion of alternatives that would ensure that the tolled lanes would be accessible to motorists at all income levels.

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Transportation Control Measures

The document indicates that the proposed project qualifies as a Transportation Control Measure (TCM) in the Air Quality Management Plan and justifies this by stating that the project has TCM components, such as "...auxiliary lanes, ramp metering, traffic signal timing optimization, and other traffic flow improvements." However, the 2008 SCAG Regional Transportation Plan (RTP) describes the project as follows: "construct one additional all purpose lane in each direction on I-405 and provide additional capital improvements from SR 73 through the LA County line." The goal of a TCM should be to adjust trip patterns or modify vehicle use in ways that reduce air pollutant emissions. The project as identified in the RTP, described as adding all purpose lanes, does not appear to meet that goal.

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Recommendations:

- Consult with SCAG to discuss the applicability of the project as a TCM. Should it be confirmed that this project does indeed qualify as a TCM, provide additional information in the Final EIS to support this claim.

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GF4 Continued

GF4 Continued

Project Alternatives

A main component of the project purpose and need is to reduce congestion and improve mobility through the project corridor. As such, solely adding capacity through the construction of general purpose lanes, as described in Alternatives 1 and 2, without integrating additional congestion-relieving strategies or measure to improve mobility, may not meet the project purpose and need. Furthermore, the Draft EIS does not provide sufficient information on the relative transportation benefits of other project components, such as improving auxiliary lanes, ramp metering, and other transportation system management (TSM) measures. For example, the Draft EIS doesn't provide any information on how much could be improved by solely addressing ramp and interchange deficiencies so that traffic queues don't extend onto the freeway. The Final EIS should demonstrate if these project components alone could provide some improved mobility through the project corridor without the extensive cost and impact of adding new general purpose lanes. According to the analysis provided in the Draft EIS, the only alternative that guarantees any significant mobility increase through the project corridor is Alternative 3, with the implementation of TDM strategies that have been proven effective on other California freeways.

Recommendations for the Final EIS:

- Provide sufficient information on the relative transportation benefits of each project component such as TSM measures, addition of general purpose lanes, and implementation of TDM measures. We recommend the Final EIS provide data which describes the percent contribution of each project component towards meeting the project purpose and need. For example, clearly describe the level of congestion relief (e.g., Level of Service improvement, Volume to Capacity Ratios) achieved and how long this relief will last by implementing a particular project component. Compare different project components by providing a table showing how much each component contributes to achieving short and long-term transportation needs.
- Provide further explanation and rationale regarding why light-rail, bus rapid transit, or other mass transit alternatives are not considered feasible alternatives to meet travel demand in the I-405 corridor. As stated in Chapter 2 of the Draft EIS, the primary reason these alternatives were dismissed relates to their inability to reduce congestion in general purpose lanes, which appears also to be a weakness for alternatives 1, 2 and 3. Given the extensive current and future expansion of the Los Angeles Metro rail system, there will be an increased number of options for passengers on Orange County transit to make connections and access areas in almost any part of the greater Los Angeles metropolitan area. As such, mass transit could be a feasible alternative to much private automobile use by the time this project is projected to be complete in 2020 if additional transit options were available within Orange County.

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SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

RESPONSE TO GOVERNMENT (FEDERAL) COMMENTS (GF)

Response to Comment Letter GF1

Comment GF1-1

Caltrans and OCTA thank the Federal Emergency Management Agency (FEMA) for participating in the environmental process for the I-405 Improvement Project. FEMA's comments were considered during identification of the Preferred Alternative as described in the Final EIR/EIS. FEMA will be notified at the address provided in your comment when the Final EIR/EIS is available for review.

There are no buildings proposed to be constructed as part of this project.

Comment GF1-2

The hydrologic and hydraulic analysis presented in Section 3.2.1.3 of the Final EIR/EIS shows the proposed project would not cause any rise in base flood elevation levels. A Location Hydraulic Study (LHS) (December 2010), Preliminary Drainage Report (November 2011), and Floodplain Evaluation Report (December 2010) were prepared for this project. The hydrologic and hydraulic analysis provided in these studies is summarized in Section 3.2.1 of the Final EIR/EIS.

Comment GF1-3

The proposed project is not located within a coastal high hazard area.

Comment GF1-4

The proposed project will neither change the Special Flood Hazard Areas, nor have any effect to area floodplain considerations.

Comment GF1-5

The proposed project is being designed to conform to all local, County, State, and Federal floodplain management requirements.

Response to Comment Letter GF2

Comment GF2-1

Caltrans and OCTA thank the United States Army Corps of Engineers (USACE) for participating in the environmental process for the I-405 Improvement Project. USACE's comments were considered during identification of the Preferred Alternative as described in the Final EIR/EIS. USACE will be notified when the Final EIR/EIS is available for review.

The peak-hour data presented in the Draft EIR/EIS indicate that I-405 is congested during those hours. While the data showing that I-405 is congested presented in the Draft EIR/EIS are generally based on peak hours, it should not be concluded that congestion is necessarily limited to peak hours. Peak hours by their nature represent the worst conditions and are the focus of analytical efforts. The purpose of the project is to reduce congestion whether it occurs during peak hours or at other times; there is no need to limit congestion reduction to peak hours. The suggested revision to the referenced bullet is not necessary and was not made.

Comment GF2-2

Caltrans agrees that there may be some redundancy in the purpose of the project with respect to operations. However, enhancing and optimizing operations are both important purposes of the project because, as stated in the Draft EIR/EIS, none of the proposed alternatives will eliminate congestion on I-405. Therefore, improving operations is doubly important to minimize the effects of the remaining congestion. From that perspective, the redundancy emphasizes the importance of operations as a project purpose. The suggested revisions to the referenced bullets are not necessary and were not made.

Comment GF2-3

The existing and forecast conditions under the No Build Alternative indicate that mobility would substantially deteriorate (see Table 3.1.6-7 of the Draft EIR/EIS), trip reliability would continue to suffer, and throughput would be limited (see Table 3.1.6-14 of the Draft EIR/EIS). These are important aspects of the problems in the I-405 corridor against which the proposed alternatives should be measured in determining which alternative should be implemented; therefore, removing mobility, reliability, and throughput from the purpose of the project would be a disservice to identification of an alternative that best addresses the problems in the corridor.

Comment GF2-4

As discussed in Section 2.2.7 of the Draft EIR/EIS, many other alternatives, including those that required a much greater ROW footprint, were considered as part of the I-405 Major Investment Study (MIS). Caltrans agrees with the comment that minimizing ROW limits the range of alternatives. It is not the intent of the objective to unreasonably limit the range of alternatives but to respond to the fact of intense pressure from both the public and the jurisdictions along the corridor in opposition to swaths of ROW acquisition along either side of I-405 that would require full acquisition of rows of homes and/or businesses. This opposition has been made clear repeatedly since proposals made during the MIS that would have required full acquisition of as many as 343 single-family homes and numerous other properties currently abutting I-405. Any project alternative that would include major ROW acquisition would not be reasonable given the level of public opposition to those impacts expressed at public meetings and in resolutions

adopted by elected bodies, including the OCTA Board of Directors. The suggested revision to the referenced bullet is not necessary and was not made.

Comment GF2-5

Project compliance with State and Federal regulation and law is a requirement of this and every project; however, with respect to local regulations or plans, Caltrans strives to comply with their requirements, but because they are developed by the local agencies, it may not always be consistent with Caltrans project purposes and objectives. Thus, the referenced text is a commitment by Caltrans/OCTA to comply with planning documents that otherwise may not be required by State or Federal regulations or laws. The referenced text related to “cost effective early project solution” implies only that there is an urgent need that must be completed in a reasonable amount of time within a fiscally constrained project budget. For example, as discussed in Section 2.2.7, there are many alternatives that cannot be built because they would be too expensive. Considering a project budget of more than \$1 billion, alternatives that would double the cost without doubling or at least substantially increasing the project benefit are not reasonable alternatives and have been withdrawn from further consideration, as discussed in Section 2.2.7 of the Draft EIR/EIS.

Comment GF2-6

It is acknowledged that USACE may use any or all of the suggested revisions within the comment letter to formulate the basic and overall project purpose pursuant to Section 404(b)1 Guidelines; however, based on Caltrans coordination with USACE staff, it is feasible and consistent with regulatory guidance to separate project impacts by watershed. Based on the results of the Jurisdictional Delineation Report and as discussed in Section 3.3.2 of the Draft EIR/EIS, all of the project alternatives would result in less than 0.5-acre of impacts within any of the affected watersheds, and project impacts would meet the requirements of the Nationwide Permit program. Because the project impacts would be eligible for Nationwide Permits, a Section 404(b)1 Alternatives Analysis is not required, and a separate project purpose is not necessary for the Section 404 permit process.

Comment GF2-7

Based on Caltrans coordination with USACE staff, and consistent with the impact analysis on Waters of the U.S. discussed in Section 3.2.3.3, which are based on the Jurisdictional Assessment, neither a 404(b)1 analysis nor a separate project purpose is required for the Section 404 permit process. Please see Response to Comment GF2-6.

Consistent with FHWA and Caltrans policy and guidance, for the purposes of NEPA compliance, the No Build Alternative, as discussed and analyzed within Chapter 3 of the Draft EIR/EIS, meets the requirements of the No Federal Action Alternative.

There are no offsite improvements that could yield similar congestion-relief benefits within the project corridor. It should be noted that all freeways in Orange County are at or near capacity, and Caltrans/OCTA prioritize the projects based on Orange County transportation needs.

Comment GF2-8

Measure M2 provides funding for four projects on I-5; however, there are no offsite improvements that could yield similar congestion-relief benefits compared to the proposed project. Please see Response to Comment GF2-7.

Response to Comment Letter GF3

Comment GF3-1

Caltrans and OCTA thank the Office of Environmental Policy and Compliance for participating in the environmental process for the I-405 Improvement Project and acknowledge that the Office of Environmental Policy and Compliance has no comments on the Draft EIR/EIS. The Office of Environmental Policy and Compliance will be notified when the Final EIR/EIS is available for review.

Response to Comment Letter GF4

Comment GF4-1

Caltrans and OCTA thank the United States Environmental Protection Agency (EPA) for participating in the environmental process for the I-405 Improvement Project. EPA's comments were considered during identification of the Preferred Alternative as described in the Final EIR/EIS. EPA will be notified when the Final EIR/EIS is available for review.

Section 3.1.2 of the Draft EIR/EIS covers induced growth. Anticipated growth in the region is reflected in the forecast traffic demand based on the OCTAM use of forecasts to 2035 of population and employment data identified on page 3.1.2-1 of the Draft EIR/EIS. On page 3.1.2-9, the conclusion is stated that "the proposed project would have no substantial potential for stimulating the location, rate, timing, or amount of growth locally or regionally." In part, this is because communities within the study area are almost entirely built out or contain few large, undeveloped parcels where land development would be encouraged by the additional access provided by the proposed project. It is not anticipated that the proposed alternatives would induce substantial traffic.

The increase in VMT for the build alternatives shown in Table 3.1.6-3 of the Draft EIR/EIS is a result of a combination of factors, including redevelopment and infill development within the corridor, new development outside the corridor, increasing VMT per person, and reduction in diversion away from I-405 due to increased capacity of the alternatives compared to the no-build condition. Additional traffic is expected to shift from the arterial system onto I-405 during other off-peak hours of the day due to the reduced congestion resulting from the combination of the lower demand during off-peak hours and the added capacity provided under the build alternatives.

A comparison of the v/c ratios in Tables 3.1.6-4 and 3.1.6-5 of the Draft EIR/EIS reveals that congestion would be worse than the existing condition under any of the future alternatives, including the No Build Alternative; however, congestion would be less severe under the build alternatives than under the No Build Alternative. Estimated daily operational emissions are substantially reduced in both 2020 and 2040 compared to the No Build Alternative, as shown in Tables 3.2.6-6 and 3.2.6-7 of the Draft EIR/EIS. Although congested conditions are anticipated to continue to affect I-405 under any of the build alternatives, air quality is anticipated to improve under any of the build alternatives.

Comment GF4-2

Transportation Systems Management (TSM)/Traffic Demand Management (TDM) are included in each of the build alternatives and are identified on page 2-17 of the Draft EIR/EIS. The Draft EIR/EIS concludes on page 3.2.6-54 with respect to permanent air quality impacts that “No adverse operational impacts were identified, and no operational avoidance, minimization, and/or mitigation measures are required.” It is agreed that additional TDM and/or transit options in the project corridor may improve air quality, but they are not required for this project because air quality improves under any of the build alternatives compared to the No Build Alternative. OCTA provides a planning process to identify such potential TDM and transit improvements on a county-wide basis and is anticipated to provide consideration for them as part of that process. Transit vehicles will be eligible to use HOV lanes under Alternative 1 and 2 and TOLLED Express Facility under Alternative 3 at no cost. The managed lanes will provide free-flow with little congestion; hence this will provide an opportunity/incentive for transit agencies and companies to implement future bus services.

The addition of a managed lane in Alternative 3 is a TDM feature in and of itself. This additional lane provides additional capacity for HOV users (including public transit buses and vanpools) within the managed lanes being converted to priced managed lanes (Express Lanes). The managed lanes on the State Highway System are used as a sustainable transportation system management strategy. Managed lanes are used to promote carpooling and transit patronage,

improve travel time reliability, reduce greenhouse gas emissions, and maximize the efficiency of a freeway by increasing person and vehicle throughput while reducing congestion and delay. The pricing component of the lanes provides the ability to actively manage demand and encourage ridesharing and transit. In addition, the FED will be updated to reflect this change.

Comment GF4-3

Induced demand was considered in Section 3.1.2 of the Draft EIR/EIS; however, it was found not to be substantial as explained in Response to Comment GF4-1. TSM/TDM are included in each of the build alternatives and are identified on page 2-17 of the Draft EIR/EIS.

Comment GF4-4

Induced demand was considered in Section 3.1.2 of the Draft EIR/EIS. Please see Response to Comment GF4-1.

Comment GF4-5

Induced demand and TDM measures were considered in Sections 3.1.2 and 2.2.1 (page 2-17) of the Draft EIR/EIS, respectively. Please see Response to Comments GF4-1 and GF4-2.

Comment GF4-6

Induced demand was considered in Section 3.1.2 of the Draft EIR/EIS. Please see Response to Comment GF4-1. TDM measures were considered in Section 2.2.1 (page 2-17) of the Draft EIR/EIS. Please see Response to Comment GF4-2. Diesel particulate matter (DPM) is reduced compared to both the existing and future no-build conditions by all of the proposed build alternatives, as shown in Tables 3.2.6-13 and 3.2.6-14 of the Draft EIR/EIS.

Comment GF4-7

As described on page 2-22 of the Draft EIR/EIS, the TSM/TDM Alternative does not meet the purpose and need of the project (see also Response to Comment GF4-2). Additionally, as described in Section 2.2.7 of the Draft EIR/EIS, multiple LRT and BRT alternatives were considered in the previous planning phase, but they were eliminated from further consideration and are no longer being considered for the proposed project. The reasons for dropping each of the alternatives are provided in Section 2.2.7 of the Draft EIR/EIS. Although traffic congestion will not be completely eliminated by any of the proposed build alternatives, as shown in Tables 3.1.6-4, 3.1.6-5, 3.1.6-12, and 3.1.6-13 of the Draft EIR/EIS, congestion, as measured by vehicle hours of delay, would be substantially reduced for all of the build alternatives, as shown in Table 3.1.6-8 of the Draft EIR/EIS.

Comment GF4-8

Additional HOV and bus-only lanes, additional HOV lanes, and a BRT using the HOV lanes with station stops in the median of the freeway at overcrossings are among the alternatives eliminated from further consideration and discussion as described in Section 2.2.7 of the Draft EIR/EIS. The reasons for dropping each of the alternatives considered are provided in Section 2.2.7 of the Draft EIR/EIS.

The objective is to open the tolled Express Lanes with a HOV2+ occupancy free to encourage rideshare and transit usage. Operational adjustments to the tolled Express Lanes may be implemented based on demand, rates of speed, traffic volumes, and to meet financial covenants, maintenance and operational obligations. Potential operational adjustments include, but are not limited to:

- adjusting to HOV3+ free with HOV2s discounted tolls
- adjusting to HOV3+ free with HOV2s full tolls
- adjusting to tolling HOV2s on individual tolling segments such as direct connectors to or from other freeways
- periodic adjustments of tolling rates to maintain operations on individual tolling segments

For discussion of TDM, please see Response to Comment GF4-2. Comment GF4-9

On July 6, 2012, the President signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). Prior to the passage of MAP-21, public authorities were required to execute a tolling agreement with FHWA prior to converting an HOV facility to an HOT lane under the terms of Section 129 of Title 23 of the U.S.C. Under MAP-21, such agreements will no longer be required. Lack of such approval does not render the alternative infeasible at the Draft EIR/EIS stage of the process.

With respect to how the Express Lanes would terminate, Appendix P of the Draft EIR/EIS shows the layout plans for termination of the lanes. The management of traffic flow north and south of the limits of the Express Lanes is provided on page 3.1.6-96 of the Draft EIR/EIS where forecasts of the operational characteristics of the transition areas at the north and south termini of the Express Lanes are presented. More detailed information on operations in the transition areas is presented in the Traffic Study in Section 2.7.5, Express Lane Transition and Access Areas.

The current RTP provides a vision of a regional Express Lane network of which the Express Lanes in Alternative 3 are a part, as described on page 3.1.6-96 of the Draft EIR/EIS.

Comment GF4-10

The project does not include concessions or subsidy programs for low-income or other disadvantaged individuals for use of the tolled Express Lane facility.

The objective is to open the tolled Express Lanes with a HOV2+ occupancy free to encourage rideshare and transit usage. Operational adjustments to the tolled Express Lanes may be implemented based on demand, rates of speed, traffic volumes, and to meet financial covenants, maintenance and operational obligations. Potential operational adjustments include, but are not limited to:

- adjusting to HOV3+ free with HOV2s discounted tolls
- adjusting to HOV3+ free with HOV2s full tolls
- adjusting to tolling HOV2s on individual tolling segments such as direct connectors to or from other freeways
- periodic adjustments of tolling rates to maintain operations on individual tolling segments

However, the GP lanes remain available for all users unable or unwilling to pay the toll for the Express Lane facility. The I-10 and I-110 projects are similar toll lane projects in Los Angeles County, but they are operating as Demonstration Projects with federal grant money, do not involve substantial construction costs for capacity enhancement, and are not obligated to generate revenues to repay construction costs. It is anticipated that if Alternative 3 is identified as the preferred alternative, the project would incur obligations for bond repayment, and pricing would be determined at the time of funding.

Additionally, the I-10 and I-110 projects are located within areas containing greater numbers of low-income populations compared to the I-405 project corridor. As shown in Table 3.1.4-2, only 8.1 percent of individuals and 5.6 percent of families within the study area are living below the poverty level compared with 10.3 percent of individuals and 7 percent of families within Orange County and 17.9 percent of individuals and 14.4 percent of families in Los Angeles County living below the poverty level.

Comment GF4-11

Refer to Response to Comment GF4-9.

Comment GF4-12

There are no changes planned for the HOV lanes north and south of the project corridor as part of the proposed project. Forecasts of the operational characteristics of the transition areas at the termini of the Express Lanes are provided on page 3.1.6-96 of the Draft EIR/EIS.

With respect to coordination with LACMTA and Caltrans District 7, see Common Response – Coordination between Caltrans Districts 7 and 12, OCTA, Los Angeles Metro, COG, and the City of Long Beach.

Comment GF4-13

The project does not include concessions or subsidy programs for low-income or other disadvantaged individuals for use of the tolled Express Lanes facility. Please see Response to Comment GF4-10.

Comment GF4-14

Section 1.2.2.6, Air Quality Improvements has been modified to remove reference that the project is a TCM in the AQMP. However, Section 1.2.2.7 has been updated stating that the project is identified as a new TCM in Table III-2.3 of the 2015 FTIP.

Comment GF4-15

Please see response to Comment GF4-14.

Comment GF4-16

The purpose and need of the project is to reduce congestion and improve mobility and is met by all three of the build alternatives. All three build alternatives reduce congestion and improve mobility. Tables 3.1.6-4, 3.1.6-5, 3.1.6-12, and 3.1.6-13 of the Draft EIR/EIS show generally lower v/c ratios for the build alternatives compared to the No Build Alternative. This indicates generally lower levels of congestion. By reducing congestion, the build alternatives all improve mobility, the ability of travelers to move through or along the corridor.

With respect to the potential of TSM/TDM measures to address corridor deficiencies without capacity improvements, a qualitative analysis was used to conclude that TSM/TDM, by itself, is not sufficient to significantly reduce congestion and that additional capacity would be needed. Traffic growth expected in the corridor is on the order of 30 to 35 percent, as noted on page 1-9 of the Draft EIR/EIS, which was qualitatively concluded to be beyond the potential of the TSM/TDM Alternative.

Comment GF4-17

As noted in Response to Comment GF4-16, a qualitative analysis was used to determine that the TSM/TDM Alternative would not meet the purpose and need of the project. Quantitative data on the individual components of the TSM/TDM Alternative will not be included in the Final EIR/EIS. The data regarding the extent to which the build alternatives reduce congestion in the corridor are provided in Tables 3.1.6-4, 3.1.6-5, 3.1.6-12, and 3.1.6-13 of the Draft EIR/EIS.

Comment GF4-18

Alternatives with both LRT and BRT are included in the Draft EIR/EIS in Section 2.2.7, Alternatives Considered but Eliminated from Consideration. LRT was considered in four such alternatives, and BRT was considered in two such alternatives. For a graphic summary of those alternatives, see Figure 2-39 of the Draft EIR/EIS. For LRT or BRT projects to be successful, extensions to the north into Los Angeles County and to the south at least as far as John Wayne Airport would be essential. The proper means to plan and implement such projects would be through the regional transportation planning process, which does not currently include consideration of such facilities in either the RTP or FTIP. Section 2.2.7 of the Draft EIR/EIS explains each of the alternatives with BRT and LRT components and why the alternative was eliminated. Please see Common Response – Elimination of LRT and BRT Transit Alternatives.

Comment GF4-19

Consideration was given to the provision of additional transit options in the project corridor. These options are included in the Draft EIR/EIS in Section 2.2.7, Alternatives Considered but Eliminated from Consideration. None of these options was deemed by the PDT as appropriate to meet the needs of the corridor for the reasons cited in Section 2.2.7 of the Draft EIR/EIS and those cited in Response to Comment GF4-18. Please see Common Response – Elimination of LRT and BRT Transit Alternatives.

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